

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and arguments set forth fully below. Claims 19-27, 29-31 and 48-67 were previously pending in the instant application. Within the Office Action, Claims 19-27, 29-31 and 48-67 have been rejected. By way of the above amendments, Claims 19, 23-25, 48, 53, 56, 57 and 59 have been amended and Claims 30, 49 and 55 have been canceled. Accordingly, Claims 19-27, 29, 31, 48, 50-54 and 56-67 are now pending in this application.

Rejections Under 35 U.S.C. § 103(a)

Within the Office Action, Claims 19-27 and 29-31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,129,895 to Vassiliadis (hereafter “Vassiliadis”) in view of U.S. Patent No. 5,738,677 to Colvard et al. (hereafter “Colvard et al.”) and U.S. Patent No. 4,782,819 to Adair (hereafter “Adair”).

Specifically, it is stated within the final Office Action that Vassiliadis teaches every claimed feature of the invention except the use of a trunk fiber for coupling the laser source to the delivery optical fiber and the use of laser bursts comprising laser pulses, but that Adair teaches the use of a trunk fiber and Colvard et al. teach laser bursts comprising laser pulses.

Applicants respectfully contend that the rejection of Claims 19-27 and 29-31 under 35 U.S.C. § 103(a) as being unpatentable over Vassiliadis in view Colvard et al. and Adair is moot in view of the above amendments.

In contrast to the prior art, the present invention is directed to endo-probes and laser systems that use the endo-probes. The endo-probes are preferably used to remove fibrous vascular membranes. The delicate nature of laser assisted vitreoretinal surgery requires that the procedure be tailored to minimize the potential for damage to healthy ocular tissue surrounding the fibrous vascular membranes, most importantly healthy retinal tissue. These healthy ocular tissues that surround the fibrous vascular membranes can be damaged from unwanted or misdirected laser radiation. In order to highly restrict or control the laser radiation emitted from the delivery optical fiber, the endo-probes of the present invention preferably include beam-blocking structures or features that extend around the distal end of the delivery optical fiber. These beam-blocking structures or features prevent forward propagating laser radiation during laser assisted vitreoretinal surgery. Preferably, the endo-probes also include shrouds or housing portions that surround portions of the delivery optical fibers and form windows or gaps with the beam-blocking structures or features through which the laser radiation is emitted.

Neither Vassiliadis, Colvard et al., Adair nor their combination teach or suggest a laser system or an endo-probe that includes a housing portion that surrounds a section of the delivery optical fiber and a beam blocking portion that blocks forward propagation of the laser and which forms a gap with the housing portion through which the laser light is emitted, such as currently recited in the independent Claim 19. For at least these reasons the independent Claim 19 is allowable over the teaching of Vassiliadis, Colvard et al., Adair and their combination.

Claim 30 has been canceled. Claims 20-27, 29 and 31 are all dependent on the independent Claim 19. As described above, the independent Claim 19 is allowable over Vassiliadis, Colvard et al., Adair and their combination. Accordingly, Claims 20-27, 29 and 31 are all also allowable as being dependent on an allowable base claim.

Within the Office Action, Claims 48-63, 66 and 67 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,413, 555 to McMahon (hereafter "McMahon") in view of Colvard et al. and Adair, and Claims 48-53 and 57-67 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,549,601 to McNytre (hereafter "McNytre") in view of U.S. Patent No. 4,685,458 to Leckrone (hereafter "Leckrone") and Adair. Applicants respectfully contend that these rejections are moot in view of the above amendments for reasons similar to those stated above.

The independent Claim 48 now recites a laser system that includes a means to generate bursts of laser light comprising laser pulses, means to focus the laser light into a trunk optical fiber, a flexible endo-probe coupled to the trunk optical fiber, the endo-probe comprising a delivery optical fiber with an input end for receiving laser radiation from the trunk optical fiber and a firing end, the flexible endo-probe further comprising a shroud feature that surrounds a portion of the delivery optical fiber and a beam blocking structure to block forward propagation of laser light and to form a gap with the shroud feature and means to adjust an approach of the delivery optical fiber to the target area of vascular tissue during use. Neither McMahon, Colvard et al., Adair nor their combination and neither McNytre, Leckrone, Adair nor their combination teaches or suggests a flexible endo-probe with a shroud feature that surrounds a portion of the delivery optical fiber and a beam blocking structure to block forward propagation of laser light and to form a gap with the shroud feature. For at least these reasons, the independent Claim 48 is allowable over the teachings of McMahon Colvard et al., Adair and their combination and the teachings of McNytre, Leckrone, Adair and their combination.

Claims 49 and 55 have been canceled. Claims 50-54 and 56-67 are all dependent on the independent Claim 48. As described above, the independent Claim 48 is allowable over the

teachings of McMahon, Colvard et al., Adair and their combination and the teachings of McInytre, Leckrone, Adair and their combination. Accordingly, Claims 50-54 and 56-67 are all also allowable as being dependent on an allowable base claim.

For the reasons given above, the Applicants respectfully submit that Claims 19-27, 29, 31 and 48, 50-54 and 56-67 are now all in condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 to discuss them so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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Dated: January 10, 2006

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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

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